

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**WILLIAM L. HOLT,**

Plaintiff,

v.

**ERIC K. SHINSEKI**, Secretary,  
Department of Veterans Affairs,

Defendant.

2:13cv22

**Electronic Filing**

**MEMORANDUM ORDER**

AND NOW, this 18 day of October, 2013, after the plaintiff, William L.

Hotlt, filed an Amended Complaint in the above-captioned case, and after a partial motion to dismiss was submitted by the defendant, Erik K. Shinseki, Secretary of the Department of Veterans Affairs, and after an Amended Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Amended Report and Recommendation (ECF No. 16), which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's partial motion to dismiss (ECF No. 11) is granted and Count II of the Amended Complaint is dismissed.



David Stewart Cercone  
United States District Judge

cc: Honorable Robert C. Mitchell  
Joseph J. Chester, Esquire  
Paul D. Kovac, Esquire

*(Via CM/ECF Electronic Mail)*